

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-cr-20274

Hon. Bernard A. Friedman

v.

D-1 JUMANA NAGARWALA,
D-2 FAKHRUDDIN ATTAR,
D-3 FARIDA ATTAR,
D-4 TAHERA SHAFIQ,
D-5 FARIDA ARIF,
D-6 FATEMA DAHODWALA,
D-7 HASEENA HALFAL, and
D-8 ZAINAB HARIYANAWALA,

Defendants.

MOTION TO EXTEND DEADLINE FOR FILING MOTIONS

NOW COMES ALL DEFENDANTS, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, FATEMA DAHODWALA, HASEENA HALFAL, and ZAINAB HARIYANAWALA, through their attorneys, and move this Honorable Court, pursuant to F. R. Crim. Pro. 12(c), and the authority set forth in the Standing Order for Discovery and Inspection and Fixing Motion Cut-off Dates in Criminal Cases, Administration Order #03-AO-027, to GRANT this motion to extend the motion cut-off date. In support of their motion, Defendants state:

1. Defendants are charged accordingly in the attached Second Superseding Indictment, returned on September 13, 2017. (R 153).

2. On January 10, 2018, this Court held a status conference with all counsel of record.
3. During the status conference, the Court addressed setting dates for motion filing, final pre-trial conference and trial.
4. Defendants' Counsel advised the court that a six-month filing deadline seemed reasonable.
5. Based upon these representations the Court set the following dates in its Order dated January 15, 2018: Motion Cut-off – July 2, 2018; Final Pre-trial Conference – January 8, 2019, and, Trial – January 15, 2019. (R 269).
6. However, three substantial obstructions exist with all Defendants' Counsel that makes the forecasted deadline an impossibility: a. the case is unique, requiring intensive legal and factual research because the issues are of first impression; b. there are several Child Protective Services Proceedings ("CPS") in Circuit Courts for the State of Michigan. At least two (2) trials have been held these past few weeks and one is set in the future; experts for the Government testified and transcripts of this testimony is essential to Defendants' Rule 12 motion preparation; and, c. each of Defendants' Counsel is a sole practitioner or with a small firm with a full-time practice which have expected time demands, including trials and other written and appearance commitments, however, since January, Defendants' Counsel have had substantial time demands:

A. Attorneys Patty Maceroni and Jerome Sabbota are in the midst of the Devils' Disciples Motorcycle Club (U.S.D.C. # 11-cr-20129) sentencing, where the Government filed a 350-page sentencing memorandum and the USPO filed a 75-page PSIR. The Defendants in that case have been awaiting sentence since February 20, 2015.

B. Attorneys Shannon Smith, Molly Blythe and Matthew Newburg spent the first two months of the year in the highly-charged and time-consuming sentencing of Larry Nassar.

C. Attorney Mary Chartier prepared for her client's CPS trial all spring and begun trial April 16, 2018, along with preparing for the preliminary examination for her defendant on the Flint River case, which is to commence in May and continue through the summer.

D. Attorney Shannon Smith prepared for her client's CPS trial all spring, with her trial concluding April 13, 2018).

E. Attorney Lisa Dwyer was just sworn in as special assistant attorney general on nearly 60 Flint River civil cases, pending in the U.S. District Court, Eastern District of Michigan.

7. This entire time period is excludable under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(8)(A) and 3161(h)(8)(B)(ii), because the circumstances in this case indicate that a continuance clearly outweighs the best interest of the public to a speedy trial.
8. This motion is based upon the Defendants' right to a fair trial and due process guaranteed to them by the Fifth and Sixth Amendments to the Constitution of the United States.
9. Counsel sought concurrence from the Government and denied.

WHEREFORE, DEFENDANTS, respectfully request this Honorable Court GRANT this Motion to Extend the date for filing motions by 90 days.

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Dated: April 26, 2018

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

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Defendants.

**MEMORANDUM IN SUPPORT OF MOTION
TO EXTEND DEADLINE FOR FILING MOTIONS**

It is well recognized that the Court has discretion to set the time limits for filing a pretrial motion, for the scheduling of trials and for the proper administration of its docket.

Federal Rule of Criminal Procedure 12(c)(2) provides that the Court may, at any time before trial, extend or reset the deadline for pretrial motions. Additionally, the United States District Court for the Eastern District of Michigan's Standing Order for Discovery permits this Court to modify an Order setting motion dates on the motion of a party or even *sua sponte*.

Defendants encourage the Court to exercise its discretion and grant this motion to extend the filing dates for the reasons set forth in their motion. It is in the interests of justice to protect the Defendants from ineffective assistance of counsel by forcing an unmanageable deadline.

WHEREFORE, DEFENDANTS respectfully request this Honorable Court GRANT this Motion to Extend the deadline for the filing of motions by 90 days.

/s/ Shannon Smith (w/consent)
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Dated: April 26, 2018

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Defendants.

CERTIFICATE OF SERVICE

Lisa Dwyer (P 47961) hereby certifies that on April 26, 2018, I electronically filed the above-annexed pleading with the U.S. District Court, Eastern District of Michigan, Clerk of Court using the ECF/CM electronic filing system which will automatically send electronic notification of this filing to all attorneys of record for all parties.

Respectfully submitted,

/s/ Lisa Dwyer

LAW OFFICE OF LISA DWYER, PC

BY: LISA DWYER (P 47961)

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